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11.04.2023
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 15553 of 2019

**Sri Gobinda Chandra Nandy
-versus
The Howrah Municipal Corporation & Ors.**

**Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. Rudranil Das.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder.
...For HMC.**

**Mr. Arindam Banerjee,
Mr. Sayan Sinha,
Mr. Rishabh Dutta Gupta,
Mr. Adil Naser.
...For the Respondent
Nos. 5, 6 and 7.**

**Mr. Debanik Banerjee,
Mr. Steven S. Biswas.
...For the Respondent
Nos. 8, 9 and 10.**

The petitioner complains of illegal and unauthorized construction beyond the sanctioned building plan at holding no. 157/1/1, Narasingha Dutta Road, Kadamtala, Ward No.-23, District-Howrah, Pin-711101, Borough-IV of the Howrah Municipal Corporation.

An objection was filed before the Howrah Municipal Corporation in March 2018 and on account

of non-consideration of the objection, the petitioner approached this Court by filing the present writ petition in August 2019.

The matter was taken up for consideration by the Court on 25th September, 2019 and the Court was pleased to direct the parties to file affidavits in the matter.

The affidavit has not been filed till date.

Instead of keeping the writ petition pending, the Court is minded to dispose of the same.

The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no.1 being the Howrah Municipal Corporation to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of three months from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioner immediately thereafter.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated 14th March, 2018 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)